

REMARKS

Claims 1-34, 36-54 are pending in the present application. Claims 1-6, 8-33 and 36-45 have been withdrawn from consideration as being drawn to non-elected species.

Reconsideration and allowance of this application in view of the following remarks are respectfully requested.

Claim rejections – 35 USC 102

Claims 7, 34, 46, 52, 53 and 54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Koops (US Patent No. 6,064,506).

Claims 7, 34, 53 and 54 have been amended to further recite “wherein said liquid crystal layer and said photonic crystal are configured and arranged to converge or diverge light.” Support for the added limitation may be found throughout the initial disclosure. For example, Applicant directs the Examiner to the photonic crystal shown in Figure 20 and related description in page 21 of the specification. For example, the photonic crystal can be a liquid crystal variable hologram element (LCVHE) which can be used for instance in variable-focus glasses (see, for example, page 26 of the specification). Applicant submits that a use of the variable optical element recited in claims 7, 34, 53 and 54 provides, for example, an increased amount of light and thus the ability to display finer pictorial information for the user (see, for example, page 2 and page 15 of the specification).

In contrast, Koops merely discloses a narrow-band filter using photonic crystals for use as a light switch by creating selective optical deformations in the photonic crystal via the application of an electrical signal (see Figures 2 to 5 and the abstract in Koops). The light switch of Koops allows that device to change the direction of propagation of the light upon application of an electrical signal. Koops, however, does not disclose, teach or suggest that the photonic crystals can be configured and arranged to converge or diverge light. Consequently, Koops does not disclose, teach or suggest “said liquid crystal layer and said photonic crystal are configured and arranged to converge or diverge light.”

Therefore, Applicant respectfully submits that claim 7, 34, 53 and 54, and claims 46 and 52 which depend from claim 7, are patentable. Thus, it is respectfully requested that the rejection of claims 7, 34, 46, 52, 53 and 54 under § 102(e) be withdrawn.

Claim rejections – 35 USC 103

Claims 47-51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Koops (US Patent No. 6,064,506).

Claims 47-51 depend from claim 7. For at least the reasons provided above with respect to claim 7, Applicant submits that claims 47-51 are patentable. Therefore, Applicant respectfully requests that the rejection of claims 47-51 under § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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